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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/990,359

11/23/2001

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061602-5575

2084

30542 7590 01/26/2010

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EXAMINER

TRUONG, CAM Y T

ART UNIT

PAPER NUMBER

2169

MAIL DATE

DELIVERY MODE

01/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/990,359	Applicant(s) MOSTAFA, MIRAJ	
	Examiner Cam Y T. Truong	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-16 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-16 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-7, 9-16 and 19-23 are pending in this Office Action.

Response to Arguments

Applicant's arguments with respect to claims 1-7, 9-16 and 19-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-16 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liwerant et al. (US 2002/0056123), hereinafter 'Liwerant', in view of Fukasawa et al. (US 6,738,822), hereinafter 'Fukasawa', further in view of Elliot et al (or hereinafter "Elliot") (US 20090109959).

With respect to claim 1, Liwerant discloses a method comprising:

receiving media content in a network entity from a sending entity and addressed to at least one recipient, the media content relating to multimedia messaging (See [0049], [0055], Figs. 1A & 1B, Note [0045]: An HTML message (1300) including a video segment is received in a server (21 + 30 + 40) from a network and addressed to a user (10));

accessing, by the network entity, a database comprising recipient data describing at least one of multimedia reception capabilities and multimedia reception preferences for at least one recipient (See [0051-0053], Fig. 1B (Services Desired): The server (21 + 30 + 40) accesses the HTML message (1300) describing multimedia preferences including the streaming video format that the video segment should be converted into, resolution, transmission bitrate, and video quality, as well as, multimedia preferences regarding the display format of the video segment to be displayed on the user's (10) computer including the size of the display in pixels or in linear measure, what portion of the screen is to be used, location on the screen, whether the full-screen is to be used, etc., the message and associated information inherently stored in a database);

forming, in the network entity, a notification message containing information that said media content is available to be streamed to said at least one addressed recipient (See [0048], [0055], [0061], Figs. 1A & 1B: The server (21 + 30 + 40) forms a notification message (1440) including an identifier and pertinent information associated with the requested video segment and preferences thereof, for notifying the user (10) that the video segment is available to be streamed to the user (10));

transmitting, by the network entity, the notification message to said at least one addressed recipient (See [0048], [0055], [0061], Figs. 1A & 1B: The server (21 + 30 + 40) sends the notification message (1440) to the user (10) by email, HTML message, instant message, etc., notifying the user (10) that the video segment is available to be streamed to the user (10)); and

streaming the media content that is available to the at least one addressed recipient (See Fig. 1B (1460), [0055], [0048]: The video segment is streamed to the user (10)).

However, Liwerant fails to explicitly disclose translating, by the network entity, at least one component of the media content while being streamed to the at least one addressed recipient into a format appropriate for said at least one addressed recipient for transmission of said at least one component to said at least one addressed recipient.

Fukasawa, though, discloses a network entity that translates at least one component of media content while being streamed to at least one addressed recipient into a format appropriate for said at least one addressed recipient for transmission of said at least one component to said at least one addressed recipient (See [Col. 5 Lines 1-20], [Col. 3 Lines 4-19]: A conversion server (109, 208, etc.) translates MPEG, Motion JPEG, etc., formatted video, streamed from a video server (102, 201, etc.), into an HTTP message format appropriate for a video client (103, 204, etc.)).

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the pertinent art to modify the functionality of the network entity, as disclosed by Liwerant, to include translating at least one component of media content while being streamed to at least one addressed recipient into a format appropriate for said at least one addressed recipient, as disclosed by Fukasawa, in order to “[absorb the] difference in communication format between the video delivery system and the World Wide Web system,” “[prevent] reduction in execution efficiency due to integration of the video client and a Web browser,” and “realize a general-purpose video client,” as suggested by Fukasawa (See [Col. 19 Lines 12-20]).

Despite the foregoing teachings, neither Liwerant nor Fukasawa explicitly states that the network entity communicates with the at least one addressed recipient over a

Art Unit: 2169

radio communications network; accessing, by the network entity, a database comprising recipient data describing at least one of multimedia reception capabilities and multimedia reception preferences for at least one recipient; and in accordance with said at least one of multimedia reception capabilities and reception preferences.

However, Elliott teaches the network entity communicates with the at least one addressed recipient over a radio communications network as [2533]FIG. 110 shows one embodiment of the Conference window 41203, which is displayed when the operator selects a conference or playback session in the Schedule window 41202. The display of the Conference Window 41203 is dependent on whether a Conference or a Playback Session has been selected from the Schedule Window 41202. Only one conference window is displayed at a time.

When a new conference window is opened, the existing one is hidden. While a Conference Window is hidden, the status of the conference and connections are still monitored. FIG. 110 shows a Conference Session 41401. The Conference window 41203 displays the list of conference Participants 41415 and radio buttons to selectively operate on individual connections, including call setup, viewing, playback and recording. The above information shows that communication by a network entity over a radio communications network .

Elliott further teaches accessing, by the network entity, a database comprising recipient data describing at least one of multimedia reception capabilities and multimedia reception preferences for at least one recipient as [2720]The subscriber is then prompted for recipient names and addresses to create a distribution list. The

Art Unit: 2169

subscriber is able to access his address book for recipient information. The subscriber is not be restricted to recording the same address types in his list; if a list is created with a fax type, the subscriber is able to include ANI) email and paging addresses in the list. The subscriber is able to manage his distribution lists with create, review, delete, edit (add and delete recipients) and rename capabilities.

[2721]When the user chooses to modify a list through the WWW Browser interface, she is prompted to select the address type (voice, fax, fax, paging, email) and a list of the user's distribution lists should be provided for that address type. The user is also able to enter the List Name to locate it. Users are able to modify lists through create, review, edit (add and remove recipients), delete and rename commands.

[1545]The user is able to create and modify recipient address information through his interface PC software. The user is able to record multiple types of addresses in his address book, including 10 digit ANIs, voice mailbox ids, fax mailbox ids, paging numbers and email addresses (MCIMail and Internet). This information is saved onto the PC. The address information retained on the PC Client is classified and sorted by addresses name.

Elliot teaches and in accordance with said at least one of multimedia reception capabilities and reception preferences as creating message in accordance with reception reference (paragraphs 0185, 0327).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Elliot's teaching of communication with recipient over

Art Unit: 2169

radio communications network and accessing database including recipient data describing reception capabilities and reception preferences for a recipient to Liwerant's system in order to allow users can manage more aspects of a network than previously possible and control network activities from a central site, while still allowing the operator of the telephone system to maintain quality and routing selection. The hybrid network also contains logic for responding to requests for quality of service and reserving the resources to provide the requested services (Elliot, paragraph [0004]).

With respect to claim 2, all the limitations of claim 1 from which claim 2 depends have been addressed above in view of Liwerant, Fukasawa and Elliot, and Fukasawa discloses receiving the media content in a multimedia messaging server; and providing the at least one addressed recipient with the media content via the network entity, wherein the network entity is a multimedia messaging relay (Elliot, paragraphs 1601, 1905).

In addition, Elliot, likewise, discloses receiving the media content in a multimedia messaging server; and providing the at least one addressed recipient with the media content via the network entity, wherein the network entity is a multimedia messaging relay (paragraphs 1601, 1905).

With respect to claims 3 and 4, all the limitations of claim 1 from which claims 3 and 4 depend have been addressed above in view of Liwerant, Fukasawa and Elliot, and Liwerant discloses that a streaming session is established, and at least some of the media content is streamed to said at least one recipient, wherein said establishing of a

streamed session is preceded by transmitting the notification message to said at least one addressed recipient (See *supra*).

In addition, Fukasawa, likewise, discloses that a streaming session is established, and at least some of the media content is streamed to said at least one recipient, wherein said establishing of a streamed session is preceded by transmitting a notification message to said at least one addressed recipient (See Fig. 7, Note [Col. 12 Line 58 - Col. 14 Line 4], [Col. 6 Lines 64-67], etc.).

With respect to claim 5, all the limitations of claims 1 and 2 from which claim 5 depends have been addressed above in view of Liwerant, Fukasawa and the Elliot, and Fukasawa discloses that the media content comprises a set of different types of components and each component is formatted in one or more formats (See [Col. 5 Lines 1-20]: One streamed video may be formatted according to MPEG, while another streamed video may be formatted according to Motion JPEG, etc.).

With respect to claim 6, all the limitations of claims 1, 2 and 5 from which claim 6 depends have been addressed above in view of Liwerant, Fukasawa and the Elliot, and Fukasawa discloses that translating at least one component comprises: checking the format of at least one component of the received media content; determining by the recipient data whether the format is appropriate for said at least one addressed recipient; responsive to determining that the format is not appropriate for said at least one addressed recipient, translating the component into a format appropriate for said at least one addressed recipient (See [Col. 5 Lines 1-20], [Col. 3 Lines 4-19]: The conversion server (109, 208, etc.) determines that video, streamed from the video server (102, 201, etc.), is formatted according to MPEG, Motion JPEG, etc., and also, must inherently determine that

Art Unit: 2169

MPEG, Motion JPEG, etc., formatted video is not a format appropriate for the video client (103, 204, etc.), since otherwise, conversion by the conversion server (109, 208, etc.) would be unnecessary).

With respect to claim 7, all the limitations of claim 1 from which claim 7 depends have been addressed above in view of Liwerant, Fukasawa and the Elliot, and Liwerant discloses that the notification message provides a minimum amount of information necessary for said at least one addressed recipient to establish a streaming session with the said network entity (See [0048], [0055], [0061], Figs. 1A & 1B: The server (21 + 30 + 40) sends the notification message (1440) including, for example, a URL of the video segment, to the user (10) notifying the user (10) that the video segment is available to be streamed, such that the video segment is streamed to the user (10) simply by accessing the URL).

In addition, Fukasawa, likewise, discloses that a notification message provides a minimum amount of information necessary for said at least one addressed recipient to establish a streaming session with the said network entity (See Fig. 7 (S709), [Col. 13 Lines 28-29]: A connection ID provides a minimum amount of information necessary to establish a session between the conversion server (109, 208, etc.), video server (102, 201, etc.) and video client (103, 204, etc.)).

With respect to claim 9, all the limitations of claim 1 from which claim 9 depends have been addressed above in view of Liwerant, Fukasawa and Elliot, and Elliot discloses that said sending entity is chosen from a group consisting of: a media storing entity of a first telecommunication network, a media storing entity of a second telecommunications network, a media storage in an external data transmission network, and a terminal of the first telecommunication network (paragraphs 0703, 0760).

In addition, Fukasawa, likewise, discloses that said sending entity is chosen from a group consisting of: a media storing entity of a first telecommunication network, a media storing entity of a second telecommunications network, a media storage in an external data transmission network, and a terminal of the first telecommunication network (See Figs. 1, 2, 3, 4 & 5, Note [Col. 5 Lines 1-20], [Col. 3 Lines 4-19]).

With respect to claim 10, all the limitations of claims 1 and 9 from which claim 10 depends have been addressed above in view of Liwerant, Fukasawa and Elliot, and Fukasawa discloses that the sending entity is selected from the group consisting of a media storing entity of a first telecommunications network and a terminal of the first telecommunications network, wherein the first telecommunication network possesses given properties (See Figs. 1, 2, 3, 4 & 5), and wherein the method further comprises transmitting the notification message to said at least one addressed recipient via a first telecommunications network and forming said notification message taking into account the properties of the first telecommunications network (See Fig. 7, Note Figs. 1, 2, 3, 4 & 5).

With respect to claim 15, all the limitations of claims 1, 9 and 10 from which claim 15 depends have been addressed above in view of Liwerant, Fukasawa and Elliot, and Fukasawa discloses that the first telecommunication network possesses multimedia capabilities, traffic condition, and processing resources, and wherein the said properties of the first telecommunications network contain at least one or more of the following: the first telecommunications network's multimedia capabilities, the first telecommunications network's traffic condition, and the availability of processing resources in the first

Art Unit: 2169

telecommunications network (See Figs. 1, 2, 3, 4 & 5).

With respect to claim 16, all the limitations of claim 1 from which claim 16 depends have been addressed above in view of Liwerant, Fukasawa and, and Elliot discloses that the receiving of the media content from a sending entity includes forwarding the media content, via said network entity, to a multimedia messaging server corresponding to a communication system of said network entity (paragraphs 1903, 3324). In addition, Fukasawa, likewise, discloses that the receiving of the media content from a sending entity includes forwarding the media content, via said network entity, to a multimedia messaging server corresponding to a communication system of said network entity (See Fig. 6: Forwarding video to and from a conversion server (604) from and to a sub-conversion server (605)).

With respect to claim 19, all the limitations of claim 1 from which claim 19 depends have been addressed above in view of Liwerant, Fukasawa and Elliot, and Liwerant discloses that the forming of the notification message and the outputting of the notification message are performed locally within a multimedia messaging service environment (See *supra*).

In addition, Fukasawa, likewise, discloses that the forming of the notification message and the outputting of the notification message are performed locally within a multimedia messaging service environment (See [Col. 13 Lines 22-32], Fig. 7).

With respect to claims 11-14 and 20-23, claims 11, 12, 13 and 23 and claims 20, 21 and 22 include limitations similar to those of claims 1 and 19, and are therefore substantially equivalent, and likewise, claim 14 includes limitations similar to those of

Art Unit: 2169

claim 5, and is therefore substantially equivalent. Thus, for at least those reasons, as discussed with regard to claims 1, 5 and 19, claims 11-14 and 20-23 are also rejected.

Conclusion

The Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL** (See MPEP 706.07(a), MPEP 1207.04). The Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas F. Woronko whose telephone number is (571) 270-3553. The examiner can normally be reached on Monday-Thursday: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571) 272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cam Y Truong/
Primary Examiner, Art Unit 2169

Application/Control Number: 09/990,359
Art Unit: 2169

Page 14